## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN DIVISION

SHAWN MICHAEL DINNELLA

**PLAINTIFF** 

v. CAUSE NO. 1:13CV33-LG-JMR

SHAMBRICA JONES and ALISEA MENNA

**DEFENDANTS** 

## ORDER DISMISSING PLAINTIFF'S CLAIMS AGAINST ALISEA MENNA

This matter is before the Court sua sponte due to Shawn Michael Dinnella's failure to timely serve Alisea Menna with process.

Dinnella filed his Complaint against Menna on February 7, 2013, but he has not served her with process. Fed. R. Civ. P. 4(m) provides:

If a defendants is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

On August 23, 2013, Chief United States Magistrate Judge John M. Roper, Sr., entered an Order to Show Cause [31] why Dinnella's claims against Menna should not be dismissed for failure to serve process. This Order cautioned Dinnella that his failure respond to the Order could result in dismissal of his claims without further notice. According to an Acknowledgment [33] filed in the record, Dinnella received this Order on August 26, 2013, but he never responded.

On October 29, 2013, Judge Roper held an omnibus hearing, and he warned Dinnella that his claims against Menna would be dismissed if she was not served with process. Nevertheless, Dinnella never served Menna with process. Since this lawsuit has been pending for more than one year, and Dinnella has not served Menna with process, Dinnella's claims against Menna will be dismissed without prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Dinnella's claims against Alisea Menna are hereby DISMISSED WITHOUT PREJUDICE.

SO ORDERED AND ADJUDGED this the 31st day of March, 2014.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.

CHIEF U.S. DISTRICT JUDGE